


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

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4	UNITED STATES OF AMERICA, <i>et al.</i> ,) Case No. 3:73-cv-00003-LDG
5)
6	Plaintiff,) 
7	v.) PROPOSED ORDER
8)
9	THE ORR WATER DITCH CO., <i>et al.</i> ,)
10)
11	Defendants.)
12)

The Court has before it the Joint Motion filed by the United States, the Truckee-Carson Irrigation District, Churchill County, and the City of Fallon for Clarification of the Order of April 2, 2009 (Dkt. No. 954) in Case No. 3:73-cv-00003-LDG, which struck the complaint filed in that matter on March 4, 2009 by Plaintiffs Truckee-Carson Irrigation District, Churchill County, and City of Fallon, and directed Plaintiffs to refile their complaint as a new action. In response to the April 2, 2009 order, Plaintiffs refiled the complaint that same day without the *Orr Ditch* caption and case number. The refiled complaint was docketed as *Churchill County, et al. v. U.S. Department of the Interior, et al.*, No. 3:09-cv-170-LDG (D. Nev.), which remains pending in this Court.

Good cause appearing, it is hereby ordered that:

The Court clarifies that the Order of April 2, 2009 in Case No. 3:73-cv-00003-LDG did not dismiss Plaintiffs' action but rather allowed Plaintiffs to file an amended complaint as a new action that relates back to the filing date of the original complaint. Accordingly, the complaint filed in No. 3:09-cv-170-LDG (D. Nev.) is deemed to have been filed on March 4, 2009. The clerk is directed to file a copy of this Order in Case No. 3:09-cv-170-LDG (D. Nev.).

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IT IS SO ORDERED.

Dated: 14 FEB, 2011


LLOYD D. GEORGE
SENIOR UNITED STATES DISTRICT JUDGE